

inland game fish, found in the Atlantic Ocean and in coastal fishing waters; all fisheries based upon such fish; all uncultivated or undomesticated plant and animal life, other than wildlife resources, inhabiting or dependent upon coastal fishing waters; and the entire ecology supporting such fish, fisheries, and plant and animal life.” (G.S. 113-129).

Although MFC’s primary responsibilities are management of fisheries (seasons, size and bag limits, licensing, etc.), the MFC also has authority to comment on State permit applications that may have an effect on marine and estuarine resources or water quality, regulate placement of fishing gear, develop and improve mariculture, and regulate location and utilization of artificial reefs. MFC authority is found at G.S. 143B-289.51 and 289.52. As discussed previously, the MFC prohibits certain bottom-disturbing gears from areas supporting SAV, shell bottom, or juvenile finfish populations to protect these resources. Through designation of Primary Nursery Areas, the MFC restricts use of certain fishing gears in such areas as well as triggering protective actions by other regulatory commissions.

Authority of Other Agencies

Several administrative divisions within the regulatory commissions of the North Carolina Department of Environment and Natural Resources are responsible for providing technical and financial assistance, planning, permitting, certification, monitoring, and regulatory activities that have a direct or indirect impact on coastal water quality and habitat. The North Carolina Division of Coastal Management (DCM) is responsible for development permits along the estuarine shoreline in 20 coastal counties. Wetland development activity throughout North Carolina is permitted through the United States Army Corps of Engineers (COE) and the North Carolina Division of Water Quality (DWQ; 401-certification program). The EMC permits and regulates discharges to surface waters, and monitors water quality throughout the state. DWQ has established a water quality classification and standards program for “best usage” to promote protection of surface water supply watersheds, high quality waters, ecosystem functions, and the protection of unique and special pristine waters with outstanding resource values. Classifications, particularly for High Quality Waters (HQW), Outstanding Resource Waters (ORW), Nutrient Sensitive Waters (NSW) and Water Supply (WS) waters, outline protective management strategies aimed at controlling point and nonpoint source pollution. Various federal and state agencies, including DMF, evaluate projects proposed for permitting and provide comments and recommendations to the DCM, DWQ, and COE on potential habitat and water quality impacts. Various public agencies (state and federal) and private groups acquire and manage natural areas as parks, refuges, reserves, or protected lands, which helps to protect adjacent public trust estuarine water quality.

Coastal Habitat Protection Plans

The FRA of 1997 mandated the DENR to prepare a CHPP (G. S. 143B-279.8). The legislative goal for the CHPP is long-term enhancement of the coastal fisheries associated with coastal habitats. The plan provides a framework for management actions to protect and restore habitats critical to North Carolina’s coastal fishery resources. The CHPP was approved in December 2004 by CRC, EMC, and MFC and the Department in